

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b>	)	<b>In Chapter 11</b>
	)	<b>Case No. 09 B 44734</b>
<b>BOSTON BLACKIES OF SKOKIE, INC.</b>	)	<b>Honorable Jack B. Schmetterer</b>
	)	
<b>Debtor and Debtor-In-Possession</b>	)	<b>Motion Date: November 25, 2009</b>
	)	<b>Motion Time: 1:30 p.m.</b>
	)	

**NOTICE OF EMERGENCY MOTION**

To: See attached service list

PLEASE TAKE NOTICE THAT on November 25, 2009, at the hour of 1:30 p.m., an **EMERGENCY MOTION FOR ORDER ALLOWING INTERIM USE OF CASH COLLATERAL**, shall be heard by the Honorable Jack B. Schmetterer of the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, in Room 682 at 219 South Dearborn Street, Chicago, Illinois 60604. A copy of same is attached hereto and thereby served upon you. You may appear if you so see fit.

**QUERREY & HARROW, LTD.**

**AFFIDAVIT OF SERVICE**

I, Eileen M. Sethna, an attorney certify that I caused the foregoing Notice of Motion to be served upon the persons named in the attached service list via facsimile on November 24, 2009 and November 25, 2009.

/s/ Eileen M. Sethna

QUERREY & HARROW, LTD.  
Attorneys for Debtor  
175 West Jackson Boulevard, Suite 1600  
Chicago, Illinois 60604  
312-540-7000

**SERVICE LIST**

William T. Neary  
United States Trustee  
219 S. Dearborn, #873  
Chicago, IL 60604  
Fax: 312-886-5794

Ronald R. Peterson  
Jenner & Block LLP  
330 N Wabash Ave, 38<sup>th</sup> Flr  
Chicago, IL 60611  
Fax: 312-840-7381

Internal Revenue Service  
Associate Area Counsel, SB/SE  
200 W Adams St, Suite 2300  
Chicago, IL 60606  
Fax: 312-368-8712

Internal Revenue Service  
Mail Stop 5010 CHI  
230 S Dearborn St  
Chicago, IL 60604  
Fax: 312-368-8712

D. Patrick Mullarkey, Tax Division (DOJ)  
PO Box 55  
555 4<sup>th</sup> Street NW, Room 7804  
Washington, DC 20044  
Fax: 202-514-5238

United States Attorney  
219 S. Dearborn Street  
Chicago, IL 60604  
Fax: 312-353-2067

IL Dept. of Employment Security  
33 S. State Street  
Chicago, IL 60603  
Fax: 312-793-9834

Illinois Department of Revenue  
101 W Jefferson St  
Springfield, IL 62702  
Fax: 312-814-1402

G.E. Capital Corp.  
c/o Todd B. Jones  
8377 E. Hartford Drive, Ste 200  
Scottsdale, AZ 85255  
Fax: 480-563-6945

RBS Citizens, NA d/b/a Charter One  
c/o Thomas M. Lombardo  
Riemer & Braunstein, LLC  
71 S. Wacker Dr, Ste 3515  
Chicago, IL 60606  
Fax: 312-780-1212

A New Dairy, Inc.  
1234 W. Randolph  
Chicago, IL 60607  
Fax: 312-243-9860

Alpha Baking  
4545 Lyndale  
Chicago, IL 60639  
Fax: 847-564-9525

ALSCO  
2641 S. Leavitt  
Chicago, IL 60608  
Fax: 773-579-1325

Boston Blackies Mgmt, Inc.  
801 W Adams St, Ste 201  
Chicago, IL 60607  
Fax: 312-627-0250

Boston Blackies Properties II, LLC  
801 W Adams St, Ste 201  
Chicago, IL 60607  
Fax: 312-627-0250

Carson's  
612 N Wells  
Chicago, IL 60610  
Fax: 312-280-7872

Champion Energy  
PO Box 3115  
Houston, TX 77253-3115  
Fax: 713-366-8822

Donna Giannis  
801 W Adams St, Ste 201  
Chicago, IL 60607  
Fax: 312-627-0250

Mark Solomon Ltd.  
PO Box 934  
Northbrook, IL 60065-0934  
Fax: 847-564-2837

TriMark Marlinn  
6100 W. 73<sup>rd</sup> St, Ste 1  
Bedford Park, IL 60638  
Fax: 708-563-2544

Walter J. Jr. Inc.  
2441 E Seminary Ave  
Des Plaines, IL 60016  
Via FedEx Overnight

Washington Mutual  
c/o JP Morgan Chase Bank  
PO Box 660022  
Dallas, TX 75266  
Fax: 866-699-0618

Unique Food Equipment  
10520 Indianapolis Ave  
Chicago, IL 60617

US Food  
PO Box 98045  
Chicago, IL 60693  
Fax: 630-496-4303

Versa Foods, Inc.  
320 W Gerri Lane  
Addison, IL 60101-5012  
Fax: 630-628-9292

QuickLease  
Attention: Dennis Miller, Portfolio Manager  
655 Business Center Drive, Suite 250  
Horsham, PA 19044  
Fax: 267-960-2650

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FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b>	)	<b>In Chapter 11</b>
	)	<b>Case No. 09 B 44734</b>
<b>BOSTON BLACKIES OF SKOKIE, INC.,</b>	)	<b>Honorable Jack B. Schmetterer</b>
	)	
<b>Debtor and Debtor-In-Possession</b>	)	<b>Motion Date: November 25, 2009</b>
	)	<b>Motion Time: 1:30 p.m.</b>
	)	

**EMERGENCY MOTION FOR ORDER ALLOWING  
INTERIM USE OF CASH COLLATERAL**

Debtor, BOSTON BLACKIES OF SKOKIE, INC., (the “Debtor”), by and through its attorneys, QUERREY & HARROW, LTD., moves this Court on an emergency basis for entry an order permitting it to use cash collateral belonging to COACTIV CAPITAL PARTNERS, LLC d/b/a QUICKLEASE (“QuickLease”). In support thereof, Debtor represents to the Court as follows.

**BACKGROUND**

A. The Chapter 11 Cases

1. On November 25, 2009, (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. Debtors now operates its business as a Debtor in Possession pursuant to §1107(a) and §1109 of the Bankruptcy Code.

2. No creditors’ committee has been appointed in this case.

3. This Court has jurisdiction of this Motion pursuant to 28 U.S.C. §§157 and 1134. Venue is proper pursuant to 28 U.S.C. §§1408 and 1409. The subject matter of this motion is a core proceeding pursuant to 28 U.S.C. §157(b)(2).

B. Background and Current Business Operations

4. Debtor operates on location of a chain of restaurants featuring American style food.

5. The Debtor is primarily owned by various members of a family who is well known in the area for operating quality restaurants.

#### **SECURITY INTEREST OF QUICKLEASE**

6. In 2008, the Debtors executed a security agreement in the form of an equipment lease in favor of QuickLease.

7. Debtor believes that the balance due to QuickLease is approximately \$478,000.00. Debtor believes that the value of the assets securing its obligations to QuickLease is approximately \$95,600.00.

#### **DEBTOR REQUIRES USE OF CASH COLLATERAL**

8. The Debtor requires the use of its cash collateral as it is defined in Section 363(a) of the Bankruptcy Code and requests authorization of this Court to utilize the cash collateral pursuant to the provisions of Section 363(c)(2)(B) of the Bankruptcy Code. A statement showing Debtor's anticipated expenses is attached hereto as Exhibit 1.

9. The Debtor's request for the emergency use of cash collateral is necessary to allow the Debtor to operate over the Thanksgiving weekend pending the negotiation with QuickLease for a further interim order and a final order permitting use of cash collateral.

10. QuickLease will not be harmed by the interim use of cash collateral generated from the assets and proceeds thereof. As to the use thereof, the Debtor proposes that QuickLease be granted replacement liens upon the assets in Debtor's possession subsequent to the filing of the Chapter 11 petition to the extent of the collateral utilized, pay QuickLease its regular monthly payments of \$9,955.04. In addition, as adequate protection and to grant QuickLease a

replacement lien upon the proceeds from assets Debtor acquires subsequent to the filing of the Chapter 11 petition to the extent that the collateral is utilized subject to verification of the extent and validity of the lien.

11. The use of collateral held by QuickLease will cause little, if any, harm to QuickLease. Conversely, the harm to the Debtor will be substantial because the use of cash collateral is essential to its status as a going concern. The Debtor further believes that QuickLease is fully protected for the value of its lien provided by a replacement lien to the extent of collateral utilized.

#### **NATURE OF EMERGENCY**

12. The Debtor has no other source of income other than the receipts from the revenues from its services. If the Debtor is not given the use of cash collateral, it will be unable pay its employees for their services. If the employees are not paid in a timely manner, Debtor will be unable to retain its employees. The Debtor would then be forced into a premature liquidation.

13. Pursuant to Rule 4001(b) of the Bankruptcy Rules, Debtor must give fifteen (15) days notice to all creditors and parties in interest of a motion requesting leave to use cash collateral. However, pursuant to Rule 4001(b)(2), the court may conduct a preliminary hearing before the fifteen (15) day period expires as is necessary to avoid immediate and irreparable harm.

**NOTICE**

14. Notice of this Emergency Motion has been served upon the Trustee, all parties holding a lien upon the Debtor's assets and the twenty largest creditors. Debtor believes that it is appropriate to reduce the time for notice of this application.

**DISCLOSURE PURSUANT TO LR 4001-2**

15. Debtor represents that none of the provisions of the proposed cash collateral warrant highlighting as required by LR 4001-2.

WHEREFORE, Debtor, BOSTON BLACKIES OF SKOKIE, INC., prays that an order be entered as follows:

A. Authorizing it to utilize cash collateral to the extent needed pursuant to the attached budget until December 18, 2009 thereby allowing Debtor to provide notice to all creditors pursuant to Rule 4001(b)(2) of the Bankruptcy Rules;

B. Granting QuickLease a lien on the proceeds from assets Debtor acquires subsequent to the filing of the Chapter 11 petition to the extent that the collateral is utilized subject to verification of the extent and validity of the lien;

C. Reducing the time required for notice to all creditors and parties in interest;

D. Setting the matter down for final hearing on use of cash collateral; and

E. For such other and further relief as this Court deems just and proper.

BOSTON BLACKIES OF SKOKIE,

By: Eileen M. Sethna

Eileen M. Sethna

One of its attorneys

QUERREY & HARROW, LTD.  
Attorneys for Debtor  
175 West Jackson Boulevard, Suite 1600  
Chicago, Illinois 60604  
312-540-7000